

REMARKS

Claims 1-98 and 133-168 remain pending in the present application. Applicant respectfully requests reconsideration by the Examiner in light of the following remarks.

First, the Applicant would like to thank the Examiner for extending the courtesy of an interview with Dr. David Masters and the undersigned, as representatives of the Applicant, on January 24, 2006, to discuss the above identified application and the reconsideration of the pending claims thereof. The Applicant acknowledges the content of the interview summary (Form PTOL-413) prepared by the Examiner, dated January 24, 2006. Furthermore, the remarks submitted in the Office Action response of November 16, 2005 include the issues addressed in the interview and may be considered a summary of the interview.

The Examiner has also indicated that the application does not comply with the sequence rules set forth in 37 CFR 1.821 for the sequences disclosed in Table A on page 26. In response to the Examiner's objection, the Applicant has enclosed with this response a sequence listing according to the rules in paper and computer readable form, as well as a statement that the two are the same.

Finally, the Examiner has rejected claims 50-52, 54, 55 and 61-66 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner has asserted that the claim(s) contain subject matter (i.e. the term "non-brittle") that appears to be new matter and that the Applicant has not cited the location of its occurrence in the specification. The Applicant respectfully disagrees with the Examiner's assertion and identifies and provides support for the term "non-brittle" in the paragraphs below.

As claimed in the present application, the solvated protein matrix material of the present invention is formed by compressing a non-brittle cohesive body. The specification

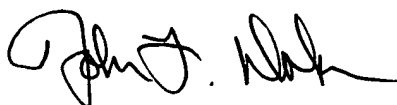
indicates that the cohesive body is compressed to remove solvent so that the compressed body remains cohesive, but without removing so much solvent that the compressed body becomes brittle or otherwise lacks cohesiveness. See specification at page 8, lines 22-23 and page 9, lines 1-2. Therefore, the cohesive body must be non-brittle to remain non-brittle when compressed. In other words, the cohesive body must be non-brittle if compression is to be limited to prevent making the cohesive body brittle.

Furthermore, the cohesive body is not likely to break, snap or crack, as when subjected to pressure. The well-known dictionary definition of brittle is the tendency to be broken, cracked or snapped as when subjected to pressure. See Webster's New Universal Unabridged Dictionary, Barnes and Nobles Books, (1994) and The American Heritage Dictionary of the English Language, Fourth Edition, Houghton Mifflin Company (2000). The cohesive body of the present invention naturally possesses this non-brittle characteristic since the material utilized to form the cohesive body in such embodiments is a non-brittle film. The specification describes that the film generally includes a solvent content that allows it to be cohesive unto itself and if it contains too little solvent it will tend to crack, shatter or otherwise break apart upon efforts to form it into a cohesive body. See the specification at page 17, lines 13-15. It should be generally understood that in these embodiments, the cohesive body is inherently non-brittle since the material it is formed from, the film, is non-brittle. In other words, the cohesive body must be non-brittle since it would be well understood by a person of ordinary skill in the art that a resulting non-brittle material (i.e. the cohesive body) could not be formed from a starting material that is brittle since that starting material would tend to break, snap or crack and cannot be cohesive.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



John F. Dolan  
Registration No. 45,382

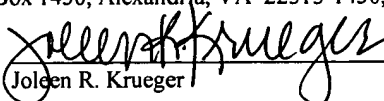
Customer No. 22859  
Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402-1425 USA  
Telephone: (612) 492-7000  
Facsimile: (612) 492-7077

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